

FREDERICK COUNTY PLANNING COMMISSION
MEETING OF October 19, 2011
1:00 p.m.

Members Present: John McClurkin, Chairperson; Richard Floyd, Vice-Chair; Robert Lawrence, Secretary; Audrey Wolfe; Catherine Forrence and Robert White

Staff Present: Eric Soter, Community Development Division Director; Kathy Mitchell, Assistant County Attorney; Michael Chomel, Senior Assistant County Attorney; Ron Burns, Traffic Engineer; Bryon Mitchell, Manager of Plan Review Services and Office of Life Safety; Tolson DeSa, Principal Planner; Jim Gugel, Planning Manager; Tim Goodfellow, Principal Planner II; Shawna Lemonds, Project Manager and Linda Williamson, Development Review Technician.

1. **MINUTES:**
September 14, 2011

Decision: Mr. Lawrence made a motion to approve the Minutes from the September 14, 2011 FcPc Meeting; 2nd Mr. White.

Yea 5 Nay 0 Abstained 1(Forrence) Absent 1(Shreve)

MINUTES:
September 21, 2011

Decision: Ms. Forrence made a motion to approve the Minutes from the September 21, 2011 FcPc Meeting; 2nd Mr. White.

Yea 6 Nay 0 Abstained 0 Absent 1(Shreve)

2. **PLANNING COMMISSION COMMENTS:**
Mr. White inquired if anyone was planning on attending the Maryland Citizen Planners Association meeting. No one at this time is planning on going to the conference.

3. **AGENCY COMMENTS/AGENDA BRIEFING:**
N/A

4. **LOU AMENDMENT**

APFO Letter of Understanding (LOU) for–Villages of Urbana-Phase II Revision – Requesting approval of a signed LOU for Phase II Plan revision for the Villages of Urbana PUD, which was approved by the FCPC in September 2011. Zoned: Planned Unit Development (PUD) in the Urbana Planning

Region. Tax Map 96 / Parcel 67. S1065, AP11948. Kathy Mitchell, Asst. County Attorney

Staff Recommendations:

Staff recommends approval

Staff Presentation:

Kathy Mitchell, Assistant County Attorney
Michael Chomel, Senior Assistant County Attorney
Eric Soter, Community Development Division Director

Public Comment:

Mr. Friis spoke in favor for approval
Ms. Spiegel spoke against the approval
Ms. Keegan-Ayre spoke against the approval

#1 Decision: Ms. Wolfe made a motion for approval of *APFO Letter of Understanding (LOU) for-Villages of Urbana-Phase II Revision* in accordance with the Staff's findings and recommendations; 2nd by Mr. Lawrence.

Yea 4 Nay 2 (Floyd/Forrence) Abstained 0 Absent 1(Shreve)

#2 Decision: Mr. White made a motion that the BoCC re-visit the language on the APFO mitigation fee; 2nd by Ms. Forrence.

Yea 4 Nay 2 (Floyd/Wolfe) Abstained 0 Absent 1(Shreve)

5. SITE PLAN

- a) **Grant County Mulch-** The applicant is proposing to occupy approximately 26,139 square feet of existing structures within a Limited Industrial facility for a wood waste recycling facility. The Applicant is not proposing any construction or alterations to the existing buildings on site. On August 25, 2011, the Applicant received special exception approval to establish a wood waste recycling facility in the AG zone. Located at the corner of MD RT 85 and Manor Woods Road. Zoned: Village Commercial (VC) Limited Industrial (LI) & Agricultural (AG), Adamstown Planning Region. Tax Map 95 / Parcel 81.SP11-11, AP 12127. Tolson DeSa

Staff Findings/Recommendations:

Findings:

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

Recommendations:

Should the Planning Commission conditionally approve this Site Plan SP # 11-11 (AP# 12127, APFO 12129 & FRO 12128) for the proposed Grant County Mulch, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.

Staff recommends that the following item be added as a condition of approval:

1. Address all agency comments as the plan proceeds through completion.

Staff Presentation:

Tolson DeSa, Principal Planner

Michael Chomel, Senior Assistant County Attorney

Applicant Presentation:

Mr. DiPasquale, Esquire of Miles and Stockbridge and a representative of Grant County Mulch represented the applicant and presented the proposal.

Public Comment:

Letter from Ms. Bodmer submitted for the record, in favor of the project.

Rebuttal:

N/A

Decision: Mr. White made a motion for conditional approval of Grant County Mulch in accordance with the Staff's findings and recommendations; 2nd by Ms. Wolfe.

Yea 6 Nay 0 Abstained 0 Absent 1(Shreve)

6. **TRIENNIAL REVIEW OF THE WATER AND SEWERAGE PLAN**

- a) Continued from September 14, 2011, Planning Commission reviewed and discussed the revisions contained in the draft Water and Sewerage Plan, in order to determine consistency with the Comprehensive Plan and make a recommendation to the Board of County Commissioners. The Planning Commission received a preview briefing on the Triennial update to the Water and Sewerage Plan on August 10, 2011. Tim Goodfellow

Staff Recommendation:

Staff discussed and reviewed with the Planning Commission minor edits made to the Water and Sewerage Plan since the September 2011 public hearing. The

edits will also address most of the written comments anticipated from the Maryland Department of the Environment (MDE), based on a telephone conversation Mr. Goodfellow had the week of October 3, 2011 with MDE staff. Staff recommends a finding of consistency with the 2010 Comprehensive Plan.

Staff Presentation:

Tim Goodfellow, Principal Planner II

Public Comment:

N/A

Decision: Mr. White made a motion for finding of consistency of *Triennial Review of the water and sewerage plan* in accordance with the Staff's findings and recommendations:
2nd by Ms. Wolfe.

Yea 6 Nay 0 Abstained 1 (Forrence) Absent 1(Shreve)

7. ZONING TEXT AMENDMENT

- a) A public hearing was conducted for the MX Euclidean Zoning Ordinance Text Amendment (ZT-11-14). The text amendment would create a new MX Euclidean zoning district including: establishing a purpose statement, identifying permitted uses by adding the district to the Use Table, establishing minimum lot area, lot width, setbacks and maximum height standards, and providing supplementary district regulations including design standards and multiple structure and mixed use provisions. Shawna Lemonds

Staff Recommendation:

Staff requests a recommendation regarding the Mixed Use (Euclidean) Text Amendment (ZT-11-14).

Staff Presentation:

Shawna Lemonds, Project Manager
Eric Soter, Community Development Division Director
Jim Gugel, Planning Manager

Public Comment:

N/A

Mr. Lawrence made a recommendation of approval and also a recommendation to pass the *MX Euclidean Zoning Ordinance Text Amendment (ZT-11-14)*; 2nd by Mr. White.

Yea 2 (Wolfe/Lawrence) Nay 4(Forrence/White/Floyd/McClurkin) Abstained 0 Absent 1(Shreve)

Mr. White made a recommendation to re-present with more detailed information as to where it can be applied as related to its intent for the MX Euclidean Zoning Ordinance Text Amendment (ZT-11-14) 2nd by Forrence.

Yea 4 (Forrence/White/Floyd/McClurkin) **Nay 2** (Wolfe/Lawrence) **Abstained 0** **Absent 1** (Shreve)

8. 2011 COMPREHENSIVE PLAN/ZONING REVIEW

- a) Staff provided a briefing of the review including the various request summaries, mapping, and the upcoming public hearings in November. Jim Gugel

Water and Sewerage Plan Amendments:

Revisions to the Water/Sewer Plan classifications would be proposed relative to changes in the zoning and/or land use plan designations. While these amendments can be considered concurrent with the zoning and plan amendments they may also be considered in a subsequent process following adoption of the zoning and land use plan maps.

REQUEST SUMMARIES

A total of 196 requests were submitted during the 45-day application period that ran from June 1 to July 15 with 88 requests (46%) within the New Market and Urbana regions.

Adamstown Region

- Fourteen (14) requests
- Most significant request addresses the Eastalco property (AD-12)

Brunswick Region

- Seven (7) requests
- The City of Brunswick is underway with an update of their plan. A draft was released in June

Frederick Region

- Thirty-three (33) requests
- Seventeen (17) of the requests are within or adjacent to the Frederick Municipal Growth Area (MGA)

Middletown Region

- Twenty-one (21) requests
- Three requests are within the Middletown MGA
- One request is adjacent to the Myersville MGA

New Market Region

- Forty-three (43) requests
- Six requests are within or adjacent to the New Market MGA. The Town of New Market is underway with an update of their comprehensive plan. A draft may be released this fall.

- Most significant request addresses restoration of the Linganore PUD (NM-12)

Thurmont Region

- Eighteen (18) requests
- Four requests are within or adjacent to the Thurmont MGA
- Eight requests are within or adjacent to the Emmitsburg MGA

Urbana Region

- Forty-five (45) requests
- Seven applications request changes from Village Center to either General Commercial or a proposed Mixed Use (MX) zoning district

Walkersville Region

- Fifteen (15) requests
- Three requests relate to the Walkersville MGA
- Four requests relate to the Woodsboro MGA
- One request (WA-14) relates to the Frederick MGA

Staff Presentation:

Jim Gugel, Planning Manager

Meeting adjourned at 4:19p.m.
Respectfully Submitted,


John McClurkin, Chairperson